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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,247	11/21/2003	Raymond W. Smith	22-0303	2199

40158 7590 12/01/2005

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EXAMINER

GONZALEZ, JULIO C

ART UNIT PAPER NUMBER

2834

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,247

Applicant(s)

SMITH, RAYMOND W.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 and 18-27 is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roesel, Jr. et al (US 4,663,536) in view of Maruyama (US 6,087,791) and Rose, Sr. (US 6,617,725).

Roesel, Jr. et al discloses a housing defining an empty space having a generator assembly 43 and motor assembly 42 (see figure 1).

However, Roesel, Jr. et al does not disclose explicitly having a generator assembly affecting the output of a motor assembly.

On the other hand, Maruyama discloses for the purpose of avoiding overload in power systems, a control assembly 15, 20, 26 coupled to the generator assembly 10 and motor assembly 17 and the generator 10 affecting the output of the motor assembly 17 (see figure 1; column 4, lines 28-50).

However, neither Roesel Jr. et al nor Maruyama disclose having a flywheel for the rotor.

On the other hand, Rose discloses for the purpose of reducing costs to electrical machines, a rotor-flywheel design (see figure 10) having magnets 380 along an array (see figure 11). Moreover, the flywheel has voids (see figure 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a motor-generator system as disclosed by Roesel, Jr. et al and to and to have the generator affect the output of a motor for the purpose of avoiding overload in power systems as disclosed by Maruyama and to use a flywheel as a rotor for the purpose of reducing costs to electrical machines as disclosed by Rose, Sr.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roesel Jr. et al, Maruyama and Rose, Sr. as applied to claim 1 above, and further in view of Muszynski (US 6,731,032).

The combined system discloses all of the elements above. However, the combined system does not disclose that the magnetic member is made of polymeric material.

On the other hand, Muszynski discloses for the purpose of minimizing cross talk between magnetic devices that a magnetic driver can be made of polymeric material (column 2, lines 57, 58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined system as disclosed above and to use polymeric material for the purpose of minimizing cross talk between magnetic devices as disclosed by Muszynski.

Allowable Subject Matter

4. Claims 10-15, 18, 19-27 allowed.
5. Claims 5, 16, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 4, 6-8 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
8. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

The base reference Roesel, Jr. et al discloses a generator assembly and motor assembly being connected to each other and a control system 140, 144 connected to both devices, generator and motor (see figure 1) for affecting the output of the electrical machines using a feedback system (column 14, lines 10-32).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

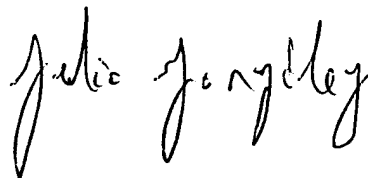
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

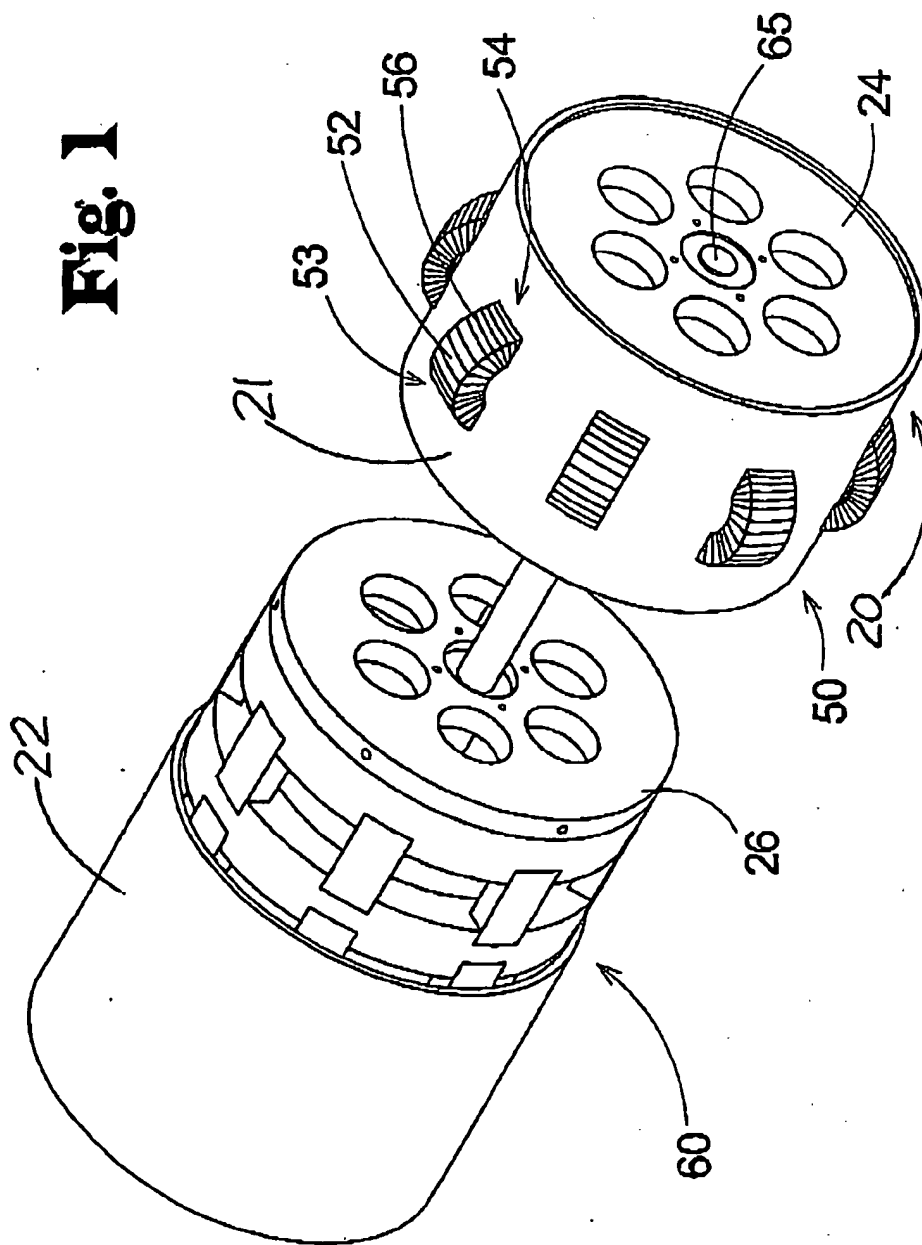


Julio C. Gonzalez
Examiner
Art Unit 2834

Jcg

November 22, 2005

Serial No.: 10/719,247
 Name.: Raymond Smith
 Filing Date: 11/21/2003
 REPLACEMENT SHEET

Fig. 1

Approved JJ 11/22/05

Serial No.: 10/719,247
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REPLACEMENT SHEET

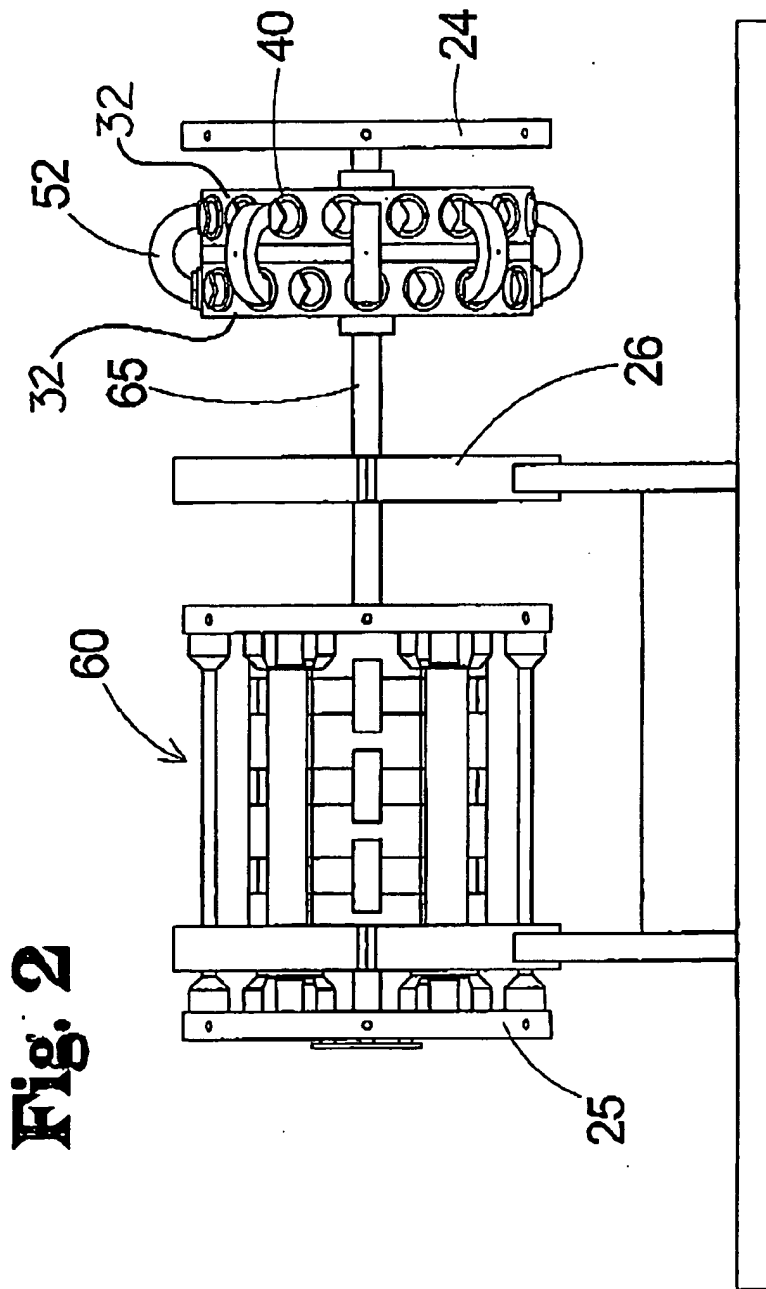
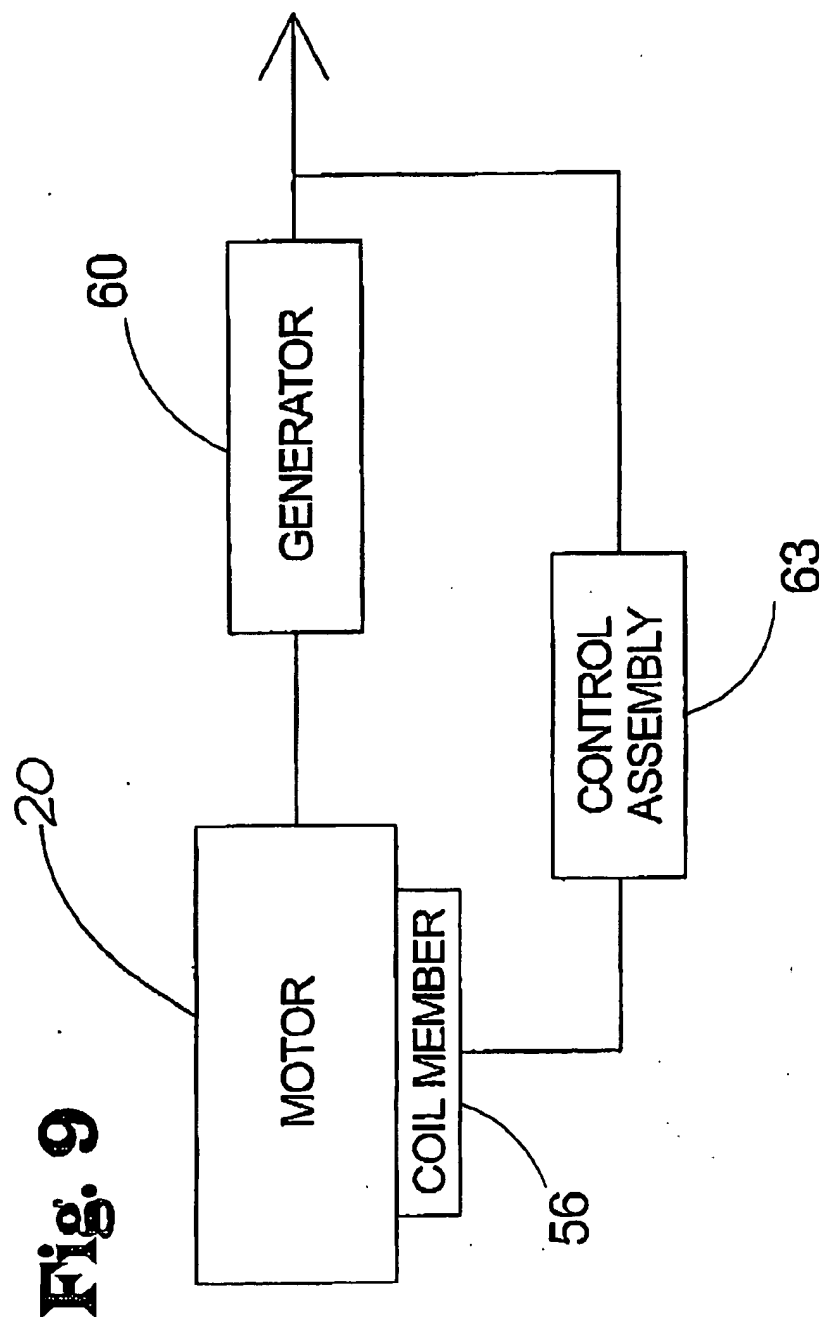


Fig. 2

Approved *ff* 11/22/05

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Filing Date: 11/21/2003
REPLACEMENT SHEET



Approved *[Signature]* 11/22/05